

Remarks

Applicant has amended claim 1 and have canceled claim 3. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

The Examiner has rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,839,654 to Weber ("the '654 patent"). The Examiner has further rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over the '555 patent in view of U.S. Patent No. 4,079,366 to Wong ("the '366 patent"). The Examiner has still further rejected claims 3, 4, 7, 8 and 11 under 35 U.S.C. §103(a) as being unpatentable over the '654 patent in view of U.S. Patent No. 2,913,552 to Roberts ("the '552 patent"). The Examiner has yet further rejected claims 5 and 9 under 35 U.S.C. §103(a) as being unpatentable over the '654 patent in view of the '552 patent and further in view of U.S. Patent No. 5,930,097 to Ceola et al. ("the '097 patent"). The Examiner has still further rejected claims 6 and 10 under 35 U.S.C. §103(a) as being unpatentable over the '654 patent in view of the '552 patent and the '097 patent and further in view of Official Notice. The Examiner has yet further rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over the '654 patent in view of the '552 patent and further in view of the '366 patent. The Examiner has still further rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over the '654 patent in view of the '366 patent and further in view of the '097 patent. The Examiner has yet further rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over the '654 patent in view of the '552 patent and the '366 patent and the '097 patent and further in view of Official Notice. These rejections are respectfully traversed.

As amended all claims of the present application require among other elements a circuit breaker situated in the control unit for preventing the air conditioner unit from drawing power that exceeds a threshold level. No combination of the cited references teaches this limitation.

The '654 patent discloses a portable controller for an air conditioner to provide more uniform level of air temperature comfort. However, the '654 patent fails to teach, disclose or suggest a circuit breaker situated in a control unit that controls an air conditioner for preventing the air conditioner unit from drawing power that exceeds a threshold level. Rather, the '654 patent teaches that a "time delay of the controlled air conditioner immediately after the air conditioner has turned-off in order to prevent compressor motor stalling and possible circuit breaker (or fuse) kick-out" is provided for "safety" reasons. (col. 6, lines 55-59; col. 9, lines 17-18). The Examiner has submitted that it would be obvious to combine the '654 patent with the '552 patent to arrive at the claimed invention, however Applicant respectfully submits that there is no motivation to remove the safety device already taught in the '654 patent and replace it with the safety device taught in the '552 patent other than the teachings of the present application. Even if one was to discard the teachings of the '654 patent in favor of the '552 patent, one still does not arrive at a circuit breaker situated in the control unit as required by all of the claims of the present application. Rather, one would have a plug-in breaker plugged into the wall and then a plug-in controller plugged into the plug-breaker that is plugged into the wall. This would result in a cumbersome and possibly dangerous wiring situation. The receiver box of the '654 patent would further have to be extensively modified to remove the existing safety device for replacement of the safety device taught in the '552 patent. Applicant respectfully submits that the combination of these two references is not obvious but that the '654 patent teaches away from such combination, and that even in view of the combination, further modification would have to be made to arrive at the claimed invention.

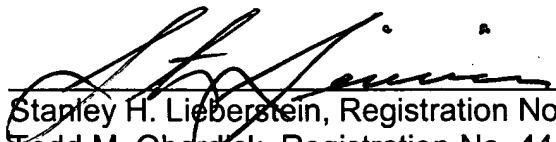
The Examiner has further submitted that it would be obvious to modify the '654 patent in view of the '366 patent to provide a day of the week function. Applicant respectfully disagrees. The '366 patent is directed to a wall mounted electronic programmable clock where "[e]xtensive use is made of I.C. circuitry, including memory circuits, comparator circuits and the like." (abstract, FIGS. 2 & 3). On the other hand, the '654 patent teaches use of a portable unit that is comparatively simple in design. Applicant submits that it would not be obvious to combine these two references as it is highly improbable that the extensive complex circuitry made use of in the '366 patent could be effectively integrated into the portable unit taught in the '654 patent, especially in view of the fact that the '366 patent teaches that the device is directly connected to system wiring. (col. 1, lines 35-42). It is further unclear as to whether all of these signals could be wirelessly transmitted per the '654 patent. Alternatively, it would also not be obvious to mount the portable device of the '654 patent on the wall in a fixed position per the '366 patent as the primary object of the invention for the '654 patent is to "provide wireless remote in-situ control of a room air conditioner by a portable thermostat locatable near a person occupying the air conditioned room." (col. 3, lines 47-50). Applicant still further submits that it would not be obvious to locate the complicated controls in the wall plug-in unit of the '654 patent as one would then not have access to the controls except to bend down on one's hands and knees to set or adjust the settings.

Applicant therefore respectfully submits that because none of the above cited prior art teaches, discloses or suggests a circuit breaker situated in the control unit for preventing the air conditioner unit from drawing power that exceeds a threshold level as required by all the claims of the present application, no combination can render the present claims obvious. Applicant further respectfully submits that the cited references themselves teach away from combination of the '654 patent with the '552 patent or the '654 patent with the '366 patent as suggested by the examiner and therefore any such combinations cannot render the present claims obvious.

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Response to Official Action

It is respectfully submitted that claims 1, 2 and 4-15, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,



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